

20128. Adulteration and misbranding of dried grapes. U.S. v. 100 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28322. Sample No. 218-A.)

This action involved the shipment of a quantity of dried grapes, samples of which were found to be in part insect-infested and dirty. The label on the package bore no statement of the quantity of contents.

On May 12, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of dried grapes, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 7, 1932, by Luigi Severini, from San Francisco, Calif., to Portland, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Zinfandel Packed for Vito Vitti, Portland, Ore."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20129. Misbranding of butter. U.S. v. Seven 50-Pound Cases of Print Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28436. Sample No. 7444-A.)

This action involved the shipment of a quantity of butter in packages labeled as containing 1 pound net. Sample packages taken from the shipment were found to contain less than 1 pound.

On or about June 15, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven 50-pound cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 8, 1932, by H. P. Nielsen, from Waterloo, Wis., to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Prints) "One Pound Net Nielsen's Pure Pasteurized Creamery Butter Waterloo Creamery, Waterloo, Wis."

It was alleged in the libel that the article was misbranded in that the statement "One Pound Net" was false and misleading and deceived and misled the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On July 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20130. Adulteration and misbranding of canned shrimp. U.S. v. Pelican Lake Oyster & Packing Co., Ltd. Pleas of guilty. Fine, \$50. (F. & D. Nos. 26634, 26649. I.S. Nos. 11843, 15133, 15134.)

These cases were based on the interstate shipment of a quantity of canned shrimp that was found to be decomposed; and the delivery for shipment to a foreign country of quantities of canned shrimp that was decomposed and short weight.

On October 5 and October 28, 1931, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid informations against the Pelican Lake Oyster & Packing Co., Ltd., a corporation, Houma, La., charging violation of the Food and Drugs Act as amended. It was alleged in the informations that on or about November 27, 1930, the defendant company had shipped from the State of Louisiana into the State of California a quantity of canned shrimp that was adulterated; and that on or about March 14, 1931, the defendant had delivered for shipment from New Orleans to a foreign county, i. e., Venezuela, quantities of canned shrimp that

was adulterated and misbranded. The portion of the article shipped to California was labeled in part: "Pel-La-Co. Fancy Louisiana Shrimp * * * Packed by Pelican Lake Oyster & Packing Co., Ltd. Houma, La." The portion delivered for shipment to Venezuela was labeled in part: "'Creole' Brand Louisiana Shrimp * * * Packed by Pelican Lake Oyster & Packing Co. Ltd., Houma * * * Dry Pack Contents 5 oz."

Adulteration was alleged in the informations for the reason that the article consisted in whole and in part of a filthy, putrid, and decomposed animal substance.

Misbranding was alleged with respect to the Creole brand shrimp for the reason that the statement "Contents 5 oz.," borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than 5 ounces. Misbranding of the said Creole brand shrimp was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On August 18, 1932, pleas of not guilty formerly entered on behalf of the defendant company were withdrawn and pleas of guilty were entered. The court imposed a fine of \$25 in each case, a total of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20131. Adulteration of crab meat. U.S. v. 48 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28573, 28629, 28658. Sample Nos. 13135-A, 15913-A, 15923-A.)

These actions involved the interstate shipment of quantities of crab meat, samples of which were found to contain filth.

On August 3, August 9, and August 12, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 146 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in various consignments on or about July 29, August 5, and August 10, 1932, by W. C. Larrimore, from St. Michaels, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20132. Misbranding of canned tomatoes. U.S. v. 283 Cases, et al., of Canned Tomatoes. Decree of condemnation entered. Product released under bond to be relabeled. (F. & D. Nos. 28548, 28792. Sample Nos. 13203-A, 13204-A, 13395-A.)

These actions involved quantities of canned tomatoes that were substandard because they contained excessive peel, were of poor color, and portions did not consist of whole or large pieces; the article was misbranded, since it was not labeled to show that it was substandard. The article was further misbranded, since it was represented to have been packed at Jacksonville, Fla., whereas it was packed at Hazlehurst, Miss.

On July 28 and August 29, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 626 cases of canned tomatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce in various consignments on or about June 23, July 4, and July 15, 1932, by the Hazlehurst Canning Co., Inc., Hazlehurst, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Shaver's Brand Hand Packed Tomatoes * * * Packed by Shaver Brothers, Inc., Jacksonville, Fla."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Packed by Shaver Brothers, Inc., Jacksonville, Fla.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below